

May 30, 2002

Ken Kloc
Staff Scientist
Golden Gate University
Environmental Law and Justice Clinic

Dear Mr. Kloc:

Thank you for your comments on the proposed major facility permit for the Rhodia Corp. (5/17/02 letter from Ken Kloc). We have the following responses to your comments.

1. Insufficient Statement of Basis

Comment: The facility description does not contain enough detail. Suggested additional information:

- Information on the emissions of permitted and exempt sources
- Discussion of the overall production process
- A diagram showing the linkage of the facility process equipment
- Detail of the steps by which the compliance problems were remedied

Response: While it would be interesting, and possibly even useful, the suggested discussion is far beyond the scope of the Title V program. District staff is prepared to answer specific questions if the requested information is in our records. District records are also available through our public records access program.

The District believes the statement of basis is adequate. The District views the statement of basis as an opportunity to explain decisions made in the Title V permitting process. As such, it forms an important part of the record for the permitting action, but it is not intended as a stand-alone support for the permit. Though the statement of basis contains some description of the source, it does not function as a comprehensive source description. A complete application for a Title V permit should provide a source description and emissions characterization sufficient to determine applicable requirements. The application, and any supplements to the application submitted either at the initiative of the source or the request of the District, is a part of the permitting record and is available for public review at the District office.

Similarly, the District does not believe that a detailed description of enforcement responses is a necessary part of the statement of basis. The District does provide a summary of enforcement issues in each statement of basis, and certain information regarding the summarized actions is available through a public records request to the District. Aside from this general summary, the District provides detailed information regarding enforcement to the extent appropriate to explain any schedules of compliance or other permit terms that derive from a District enforcement action.

The District continually seeks to improve the way in which the statement of basis functions as an integral part of the permit record. We will consider your comments for future Title V improvements to our evaluation reports.

2. Spent Alkylating Acid Tanks

Comment: The facility uses several large capacity storage tanks to hold spent alkylating acid (e.g., S-19, S-20, and S-54). The Permit evaluation and Basis Statement states that the spent acid stored in these tanks may contain up to 15 percent organic compounds. It also states that the vapor pressure of the mixture is expected to be less than 0.5 psia. However, no evidence is presented to verify this statement. SIP

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Regulation 8-5-117 stipulates that in order to be exempt from the provisions of SIP Regulation 8-5, the spent acid must be shown to have a vapor pressure less than 0.5 psia, and SIP Regulation 8-5-602 requires that the material be tested. Therefore, source testing should be required in order to exempt these sources from Regulation 8-5. We recommend that source tests be carried out on a periodic basis until the variability in the organic content of the acid mixture has been adequately characterized.

Response: The facility has submitted MSDS for alkylating acid in the past. Under the categories “vapor pressure” and “vapor density,” the MSDS states “not applicable.” The hydrocarbons that the acid contains are heavy catalytic alkylation by-products, containing 12 to 20 carbon atoms, and are therefore not volatile. The refineries that use the acid strip the volatile organic compounds from the mixture prior to shipping the acid to the facility. No additional monitoring is required to ensure that the vapor pressure of organics in the alkylation acid is less than 0.5 psia.

Moreover, Regulation 8-5-602 does not require testing. It prescribes the test method to be used if a sample is tested.

Comment: In addition, these sources also appear to be subject to SIP Regulation 8-2, which limits organic vapor emissions from miscellaneous operations to 15 pounds per day and a concentration of less than or equal to 300 ppm total carbon. This condition should be included in the permit along with appropriate compliance monitoring requirements.

Response: Sources that are subject to another rule in Regulation 8 or to Regulation 10 (New Source Performance Standards) are not subject to Regulation 8, Rule 2, Miscellaneous Operations. The District has determined that the definition of “miscellaneous operation” in Regulation 8-2-201 excludes sources that are in a source category regulated or “limited” by another rule in Regulation 8, and that an activity is “limited” by a rule, for purposes of 8-2-201, when it is specifically exempted from another rule of Regulations 8 or 10 even if they are exempt from the other rule. This is because such sources limited by the terms of the exemption. Thus, for example, a hydrocarbon storage tank that stores liquids with a vapor pressure less than 0.5 psia is exempt from Regulation 8, Rule 5, Storage of Organic Liquids (8-5-117) and is not subject to Regulation 8, Rule 2, Miscellaneous Operations.

The intent of Rule 8-2 is to apply to activities that are outside the scope of, and therefore not “limited” by, any other rule of Regulations 8 or 10. When an activity is considered for regulation in the context of a Regulation 8 or 10 rule, and is specifically exempted from that rule, this represents a District determination that additional controls for that activity are not appropriate for that activity, either because controlling that activity was deemed infeasible or because the costs of control could not be justified by the amount of emissions reductions that would result. Such a specific exemption will typically be conditioned on certain restrictions, such as having a vapor pressure below a certain amount. For purposes of Rule 8-2, such an activity is “limited” by another rule of Regulation 8 or 10 because the activity must comply with the conditions of the exemption in order to not be subject to that other rule.

The policy justification for this determination is that the District considered appropriate controls for the source category when it adopted the rule governing that category. Part of the consideration includes determination of sources and activities that are not subject to controls.

3. Other operations with VOC-containing fluids

Comment: Any other miscellaneous facility operations that store, process, or transfer VOC-containing solutions also appear to be subject to SIP Regulation 8-2. This should

be documented in the permit, and appropriate conditions and monitoring requirements should be placed upon the sources.

Response: We have reviewed the other sources that handle organic compounds (S-54 and S-55) and have noted that the MSDS for the Lube Spent Acid that is handled at these sources shows that the vapor pressure is above 0.5 psia. Therefore, S-54, Alky Sulfuric Acid and Lubricant Spent Acid Process Tank, is subject to Regulation 8, Rule 5, and S-55, LSA Truck Receiving Facility, is subject to Regulation 8, Rule 2. These requirements have been added to the permit. S-54 is not subject to the New Source Performance Standards in 40 CFR 60, Subpart Kb because it is a pressure vessel. It is not subject to Subparts K and Ka due to the date of construction, size, and because it is a pressure vessel. The facility will comply with Regulation 8, Rules 5 and 6, because the sources are vented to S-1, Sulfuric Acid Plant. The S-1 furnace runs from 1800 °F. to 2200 °F and will achieve greater than 95% control and less than 300 ppm carbon at the outlet. No additional monitoring will be required because the margin of compliance is high.

4. Section VII

Comment: This section is missing tables, or at least table entries, that describe various compliance monitoring requirements for the abatement devices. For example, Permit Condition #13337.18 requires visible emissions monitoring for A-16. However, there is no table in Section VII for A-16, nor is there any mention of A-16 monitoring requirements in the tables for related sources S-51 or S-52. Please revise this section to include all monitoring requirements for the abatement devices. We recommend that the monitoring requirements specific to the abatement devices be placed in separate abatement-device tables, rather than being included in the source tables.

Response: Thank you for pointing out that we had not included this monitoring requirement in the Section VII tables. Our normal procedure is to include the requirements for the abatement devices in the tables for the sources that are controlled, since these are the sources that have limits. In this case, the abatement devices, A-16 and A-17, Brinks Mist Eliminators, control S-51, Oleum Storage Tank, and S-52, Oleum Truck Loading Facility. The requirement will be placed in Tables VII-K and VII-L as monitoring for the 0.5 Ringelmann opacity requirement in Condition 13337, part 3. BAAQMD Regulation 6-301 will also be added for these sources in Part IV and Part VII.

5. Permit Condition #2756.2

Comment: No justification has been provided for changing the odor complaint threshold from 2 to 5 confirmed complaints. Given that the facility processes odiferous materials, we believe that the original permit condition is reasonable and should be retained.

Response: We have re-examined the permit condition and have found that there is no basis for including it in the permit. This permit term was probably included in a District permit in response to a specific episode of odor complaints occurring several or more years ago. We do not have information indicating a continuing odor problem. In any case, the District believes that a threshold such as this is more appropriately addressed through enforcement response that can take into account all the facts of a situation, rather than a one-dimensional and static permit condition. Accordingly, the condition has been deleted.

6. Permit Condition #2756.17

Comment: The condition requires that pressure drop across A-7 be measured on a monthly basis. However, the CAPCOA-ARB-EPA guidance for periodic monitoring of wet scrubbers recommends weekly recording of pressure drop and scrubbing liquid flow rate, and a weekly qualitative check to make sure that the settling pond is working adequately. The monitoring requirements for A-7 should be changed to reflect this guidance.

Response: The District concurs and will add a permit condition to require the installation of a flow meter and weekly recording of pressure drop and scrubbing liquid flow rate. There is no settling pond.

7. Permit Condition #13337.

Comment: According to this condition, visible particulate emissions at S-51, S-52, A-16, A-17 are to be checked on an annual basis. We recommend that visible emissions be monitored on a quarterly basis to account for weather and other sources of variability.

Response: The District concurs and has changed the condition and the tables.

8. Permit Condition #17734.17

Comment: In addition to requiring the monitoring of pH at A-2 and A-11 we recommend that the scrubbing liquid flow rate be monitored on a weekly basis when the scrubber is operating.

Response: A-2 only operates infrequently when the sulfuric acid plant is not operating. Therefore, installation of a flowmeter is not cost-effective or appropriate.

A-11, Ammonia Scrubber, is a control device for SO₂ and is monitored by an SO₂ monitor as well as with pH monitoring. If the water flow is not sufficient, the SO₂ level will rise, triggering corrective action. Existing monitoring therefore assures compliance.

Thank you again for your comments. We have amended the permit and report to correct deficiencies that you have identified. We will consider the improvements that you have suggested for future reports.

Yours truly,

Bill deBoisblanc,
Director, Permit Services

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